

REMARKS

This is in response to the Office Action dated December 19, 2005. A request for a one month extension of time and the required fee are submitted herewith.

The Examiner objected to the drawings because they did not show the pressure device required by claims 21, 22, 31 and 32. By this Amendment, Applicant has cancelled these claims. Therefore, the objection to the drawings has been overcome.

The Examiner objected to the phrase "of the type" which appears in claims 1 and 13. Claims 1 is written in Jepson format. In such claims the phrase "of the type" is permitted. See, 37 C.F.R. § 1.25(e) and *Landis on Mechanics of Patent Claim Drafting*, (4th ed.) § 57 at page VI-30:

"One suitable and straightforward form follows: 'In combination with an [A] of the type wherein [conventional elements B and C are provided for doing something], the improvement which comprises. . . .'"

Claim 13 was amended to say "a type." Reconsideration and withdrawal of this objection is requested.

The Examiner also objected to the phrase "the intake opening" as lacking antecedent basis in claims 16 through 18. These claims depend from claim 13. Claim 13 has been amended to provide an antecedent basis.

The Examiner has rejected all of the pending claims as anticipated by United States Patent No. 3,777,939 to Moore. Moore discloses a paint tube dispensing cap "for use in applying a fine line of viscous paint or lacquer." Column 1, lines 9-10. The device "is particularly adapted to form a very thin stream of paint by applying minimum pressure to the tube." Column 2, lines 64-65. The present claims are directed to a dropper cap for dispensing liquids in the form of drops from a container and to a container having such a cap. Because the paint tube

dispensing cap disclosed by Moore does not dispense drops of liquid, rather a stream of paint, the pending claims do not read on the paint tube dispensing cap disclosed by Moore. One skilled in the art seeking to design a dropper cap would not consider caps which dispense a stream of liquid. Moreover, even if a skilled person would consider this reference there is no teaching or suggestion in Moore to modify his dispensing cap so that it would dispense droplets.

The cap disclosed by Moore contains a discharge channel 14 which may have a constant or decreasing diameter from the inlet to the outlet. A strainer 20 is provided adjacent the neck of the tube 5 for straining solid particles from the paint. Column 3, lines 6-9. The patent teaches that a plurality of openings are provided in the strainer such that "use of the strainer does not substantially increase the pressure required to initiate flow through the passage 10." Column 3, lines 22-25. Given this description, the strainer cannot properly be identified as a restrictor device as that term is used in the present application. Accordingly, the claims are not taught or suggested by Moore.

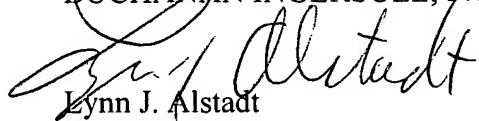
The Examiner has also rejected all the pending claims under Section 103 based on United States Patent No. 3,189,223 to Mackal. That patent discloses a liquid dispensing device having a discharge channel 24 which is connected to the a sponge filled cavity 22. A plunger 26 illustrated as having two holes 27 is positioned within the cavity. A radially shallow inwardly projecting bead 29 on the lower end of the wall of the cavity retains the plunger within the cavity. The pending claims define a dropper cap having a bottom wall and a chamber wall that define an intermediate chamber. The Examiner has identified cavity 22 in Mackal as an intermediate chamber. However, that cavity has no bottom wall, but is open adjacent bead 29 and is filled with a sponge. The Examiner has identified the bead 29 as a restrictor device.

However, that bead merely defines the opening into the cavity 22. Bead 29 is not a restrictor device. Consequently, the claims are not anticipated by the Mackal reference.

For the foregoing reasons, Applicant submits that the claims as amended are patentable over the cited references and that the objections to the claims and drawings have been overcome. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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